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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,498	12/21/2001	Ulrich Peuchert	SGW-115	4480

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EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
1755	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/024,498	PEUCHERT, ULRICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 29 July 2002.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-37 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.      6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).\\

Claims 1-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Peuchert et al., U.S. 6,417,124.

Peuchert et al. disclose an alkali-free aluminoborosilicate comprising 50-70 wt% SiO<sub>2</sub>, 0.5-15 wt% B<sub>2</sub>O<sub>3</sub>, 10-25 Al<sub>2</sub>O<sub>3</sub>, 0-10 wt% MgO, 0-10 wt% CaO, 0-12 wt% SrO, 0-15 wt% BaO, 0-10 wt% ZnO, 0-5 wt% ZrO<sub>2</sub>, 0-5 wt% TiO<sub>2</sub>, 0-2 SnO<sub>2</sub>, and 0.05-2 MoO<sub>3</sub>. See abstract of Peuchert et al. These compositional ranges are sufficiently specific to anticipate all the compositional limitations of claims 1-37. See MPEP 2131.03.

As to instant claims 32-35, the reference discloses that the glass can be used as a substrate for thin film transistors, active matrix liquid crystal displays, and plasma addressed liquid crystals. See column 1, lines 6-11. Furthermore, Examples A3 and A4 meet all the limitations of the instant claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narita et al., U.S. Patent 6,468,933.

Narita et al. teach an alkali-free glass consisting of 40-70 wt% SiO<sub>2</sub>, 5-20 wt% B<sub>2</sub>O<sub>3</sub>, 6-25 Al<sub>2</sub>O<sub>3</sub>, 0-10 wt% MgO, 0-15 wt% CaO, 0-10 wt% SrO, 0-30 wt% BaO, 0-10 wt% ZnO, 0.05-2 wt% SnO<sub>2</sub>, and 0.005-1 wt% Cl<sub>2</sub>. See abstract of Narita et al. Narita et al. teach that glass can be as a substrate for display technologies. See column 1, lines 7-10.

Narita et al. differ from the instant claims by not teaching specific examples that lie within the compositional ranges nor ranges of glass components which are sufficiently specific to anticipate the claim limitations. However, the compositional ranges of Narita et al. overlap the compositional ranges of claims 1-37. Overlapping ranges have been held to establish prima facia obviousness. See MPEP 2144.05.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges of Narita et al. because overlapping ranges have been held to establish prima facia obviousness.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watzke, German Patent DE 196 01 922 A1.

Watzke teaches an alkaline earth aluminoborosilicate glass consisting of 50-65 wt% SiO<sub>2</sub>, 5-15 wt% B<sub>2</sub>O<sub>3</sub>, 10-20 Al<sub>2</sub>O<sub>3</sub>, 0-10 wt% MgO, 0-20 wt% CaO, 0-20 wt% SrO, 0-20 wt% BaO, 0-10 wt% ZnO, 0.01-1 wt% SnO, 0.1-2 wt% ZrO<sub>2</sub>, 0-10 La<sub>2</sub>O<sub>3</sub>, 0-10 wt% Nb<sub>2</sub>O<sub>5</sub>, 0-10 wt% Ta<sub>2</sub>O<sub>5</sub> and 0-10 wt% TiO<sub>2</sub>. See the Derwent Abstract of Watzke. More specifically, Watzke teaches the compositional ranges are 53-63 wt% SiO<sub>2</sub>, 5-15 wt% B<sub>2</sub>O<sub>3</sub>, 12-20 Al<sub>2</sub>O<sub>3</sub>, 0-5 wt% MgO, 2-10 wt% CaO, 0-10 wt% SrO, 3-15 wt% BaO, 0.01-1 wt% SnO, and 0.1-1 wt% ZrO<sub>2</sub>. See page 3, lines 37-38 of DE 19,601,922. Watzke teaches that glass can be as a substrate for display technologies or as thin layer solar cells. See the Derwent Abstract, use paragraph.

Watzke differs from the instant claims by not teaching specific examples that lie within the compositional ranges nor ranges of glass components which are sufficiently specific to anticipate the claim limitations. However, the compositional ranges of Watzke overlap the compositional ranges of claims 1-37. Overlapping ranges have been held to establish prima facia obviousness. See MPEP 2144.05.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges of Watzke because overlapping ranges have been held to establish prima facia obviousness.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lautenschläger et al., U.S. Patent 6,465,381.

Lautenschläger et al. teach an alkali-free glass consisting of >60-65 wt% SiO<sub>2</sub>, 6.5-9.5 wt% B<sub>2</sub>O<sub>3</sub>, 14-21 Al<sub>2</sub>O<sub>3</sub>, 1-8 wt% MgO, 1-6 wt% CaO, 1-9 wt% SrO, 0.1-3.5 wt% BaO, 0.1-1.5 wt% ZrO<sub>2</sub>, 0.1-1 wt% SnO<sub>2</sub>, 0.1-1 TiO<sub>2</sub> and 0.001-1 wt% CeO<sub>2</sub>. See abstract of Lautenschläger et al. Lautenschläger et al. teach that glass can be as a substrate for display technologies. See Abstract of Lautenschläger et al.

Lautenschläger et al. differ from the instant claims by not teaching specific examples that lie within the compositional ranges nor ranges of glass components which are sufficiently specific to anticipate the claim limitations. However, the compositional ranges of Lautenschläger et al. overlap the compositional ranges of claims 1-37. Overlapping ranges have been held to establish *prima facia* obviousness. See MPEP 2144.05.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges of Lautenschläger et al. because overlapping ranges have been held to establish *prima facia* obviousness.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124. The examiner can normally be reached on 8:30am to 6:00 pm with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EAB  
November 4, 2002



**DAVID SAMPLE**  
**PRIMARY EXAMINER**